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**5**J.R. No. / /

## A JOINT RESOLUTION

proposing an amendment to Article III, Sections 49-c and 49-d, 8 of the Texas Constitution, providing for use of not more than 9 10 percent of the amount of money in the Water Development Fund for construction of waste treatment facilities; increasing the interest rate ceiling on Water Development Bonds to six percent; 12 providing additional funds; expanding the purposes of the fund; 13 and changing the name of the fund to the Environmental Enhancement Fund.

BE IT RESQLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article III, Section 49-c, of the Texas 19 Constitution be amended to read as follows:

"Section 49-c There is hereby created as an agency of the 20 State of Texas the Texas Water Development Board to exercise such powers as necessary under this provision together with such other duties and restrictions as may be prescribed by law. The qualifications, compensation, and number of members of said Board shall be determined by law. They shall be appointed by 26 the Governor with the advice and consent of the Senate in the manner and for such terms as may be prescribed by law.

"The Texas Water Development Board shall have the authority to provide for, issue and sell general obligation bonds of the State of Texas in an amount not to exceed One Hundred Million Dollars (\$100,000,000). The Legislature of Texas, upon two-thirds (2/3) vote of the elected Members of each House, may authorize the Board to issue additional bonds in an amount not exceeding One Hundred Million Dollars (\$100,000,000). The bonds authorized herein or permitted to be authorized by the Legis-35 authorized herein or permitted to be authorized by the Legis-36 lature shall be called 'Texas Water Development Bonds,' shall be executed in such form, denominations and upon such terms as may 38 be prescribed by law, provided, however, that the bonds shall not 39 bear more than six per cent (6%) interest per annum; they may be issued in such installments as the Board finds feasible and prac-

issued in such installments as the Board finds feasible and practical in accomplishing the purpose set forth herein.

"All moneys received from the sale of State bonds shall be deposited in a fund hereby created in the State Treasury to be known as the Texas Water Development Fund to be administered 45 (without further appropriation) by the Texas Water Development

46 Board in such manner as prescribed by law.
"Such fund shall be used only for the purpose of aiding 48 or making funds available upon such terms and conditions as the Legislature may prescribe, to the various political subdivisions or bodies politic and corporate of the State of Texas including 51 river authorities, conservation and reclamation districts and 52 districts created or organized or authorized to be created or 53 organized under Article XVI, Section 59 or Article III, Section 52, of this Constitution, interstate compact commissions to

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which the State of Texas is a party and municipal corporations, in the conservation and development of the water resources of this State, including the control, storing and preservation of 1/4 its storm and flood waters and the waters of its rivers and streams, for all useful and lawful purposes by the acquisition, improvement, extension, or construction of dams, reservoirs and other water storage projects, including any system necessary for the transportation of water from storage to points of treatment and/or distribution, including facilities for transporting water 10 therefrom to wholesale purchasers, or for any one or more of such 11 purposes or methods.

"Not more than ten per cent (10%) of the money in the Water Development Fund may be used to make financial assistance available to political subdivisions and various bodies politic of the State for the purpose of constructing waste treatment facilities. Plans and specifications for the waste treatment 17 facilities must be approved by the Texas Water Quality Board, or 18 its successor, as adequate to provide a facility which will ]9∥produce treated waste that meets standards set for maintenance 20 of water quality. The Legislature may provide the terms and conditions for making financial assistance available to construct waste treatment facilities.

"Any or\all financial assistance as provided herein shall 24 be repaid with interest upon such terms, conditions and manner of

repayment as may be provided by law.
"While any of the bonds authorized by this provision or while any of the bonds that may be authorized by the Legislature under this provision, or any interest on any of such bonds, is outstanding and unhaid, there is hereby appropriated out of the first moneys coming into the Treasury in each fiscal year, not otherwise appropriated by this Constitution, an amount which is sufficient to pay the principal and interest on such bonds that mature or become due during such fiscal year, less the amount in the sinking fund at the close of the prior fiscal year.

"The Legislature may provide for the investment of moneys

available in the Texas Water Development Fund, and the interest and sinking funds established for the payment of bonds issued by the Texas Water Development Board. Income from such invest-ment shall be used for the purposes prescribed by the Legislature. 40 The Legislature may also make appropriations from the General 41 Revenue Fund for paying administrative expenses of the Board.

"From the moneys received by the Texas Water Development Board as repayment of principal for financial assistance or as interest thereon, there shall be deposited in the interest and sinking fund for the bonds authorized by this Section sufficient moneys to pay the interest and principal to become due during the ensuing year and sufficient to establish and maintain a 48 reserve in said fund equal to the average annual principal and interest requirements on all outstanding bonds issued under this Section. If any year prior to December 31, 1982 moneys are received in excess of the foregoing requirements then such excess shall be deposited to the Texas Water Development Fund, and may 51 received in excess of the foregoing requirements then such e 52 shall be deposited to the Texas Water Development Fund, and 53 be used for administrative expenses of the Board and for the 54 same purposes and upon the same terms and conditions prescribed

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1 for the proceeds derived from the sale of such State bonds. grant of financial assistance shall be made under the provisions of this Section after December 31, 1982, and all moneys thereafter received as repayment of principal for financial assistance or as interest thereon shall be deposited in the interest and sinking fund for the State bonds; except that such amount as may be required to meet the administrative expenses of the Board may 8 be annually set aside; and provided, that after all State bonds 9 have been fully paid with interest, or after there are on deposit in the interest and sinking fund sufficient moneys to pay all future maturities of principal and interest, additional moneys so received shall be deposited to the General Revenue Fund.
"All bonds issued hereunder shall after approval by the 11|

Attorney General, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchasers, be incontestable and shall constitute general obligations of the

State of Texas under the Constitution of Texas.

"Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such acts shall not be void by 20 reason of their anticipatory nature."

Sec. 2. That Article III, Section 49-d, of the Texas

22 Constitution, be amended to read as follows:

"Section 49-d. It is hereby declared to be the policy of the State of Texas to encourage the optimum development of the limited number of feasible sites available for the construction or enlargement of dams and reservoirs for conservation of the 27 public waters of the state, which waters are held in trust for the use and benefit of the public. The proceeds from the sale of the additional bonds authorized hereunder deposited in the Texas Water Development Fund and the proceeds of bonds previously authorized by Article III, Section 49-c of this Constitution, may be used by the Texas Water Development Board, under such provi-33 sions as the Legislature may prescribe by General Law, including 34 the requirement of a permit for storage or beneficial use, for 35 the additional purposes of acquiring and developing storage facilities, and any system or works necessary for the filtration, treatment and transportation of water from storage to points of treatment, filtration and/or distribution, including facilities for transporting water therefrom to wholesale purchasers, or for any one or more of such purposes or methods; provided, however, 41 the Texas Water Development Fund or any other state fund provided for water development, transmission, transfer or filtration shall not be used to finance any project which contemplates or results in the removal from the basin of origin of any surface water necessary to supply the reasonably foreseeable future water 46 requirements for the next ensuing fifty-year period within the 47 river basin of origin, except on a temporary, interim basis.

"Under such provisions as the Legislature may prescribe by General Law the Texas Water Development Fund may be used for the conservation and development of water for useful purposes by construction or reconstruction or enlargement of reservoirs constructed or to be constructed or enlarged within the State of Texas or on any stream constituting a boundary of the State of Texas, together with any system or works necessary for the

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1 filtration, treatment and/or transportation of water, by any one 2 or more of the following governmental agencies: by the United 3 States of America or any agency, department or instrumentality thereof; by the State of Texas or any agency, department or instrumentality thereof; by political subdivisions or bodies politic and corporate of the state; by interstate compact commis-7 sions to which the State of Texas is a party; and by municipal 8 corporations. The Legislature shall provide terms and conditions 9 under which the Texas Water Development Board may sell, transfer 10 or lease, in whole or in part, any reservoir and associated 11 system or works which the Texas Water Development Board has

12 financed in whole or in part.
13 "Under such provisions as the Legislature may prescribe by 14 General Law, the Texas Water Development Board may also execute 15 long-term contracts with the United States or any of its agencies for the acquisition and development of storage facilities in reservoirs constructed or to be constructed by the Federal Govern-Such contracts when executed shall constitute general 19 obligations of the State of Texas in the same manner and with the 20 same effect as state bonds issued under the authority of the 21 preceding Section 49-c of this Constitution, and the provisions in 22 said Section 49-c with respect to payment of principal and interest on state bonds issued shall likewise apply with respect to payment of principal and interest required to be paid by such contracts. If storage facilities are acquired for a term of years, such contracts shall contain provisions for renewal that will protect the state's investment.

"The aggregate of the bonds authorized hereunder shall not exceed \$200,000,000 and shall be in addition to the aggregate of the bonds previously authorized by said Section 40-c of Arti-

the bonds previously authorized by said Section 49-c of Arti-cle III of this Constitution. The Legislature upon two-thirds (2/3) vote of the elected members of each House, may authorize the Board to issue all or any portion of such \$200,000,000 in additional bonds herein authorized.

"The Legislature shall provide terms and conditions of Texas Water Development Board to sell, transfer or lease, in whole or in part, any acquired storage facilities or the right to accompany facilities together with any associated system 38 use such storage facilities together with any associated system 39 or works necessary for the filtration, treatment or transportation of water at a price not less than the direct cost of the 41 Board in acquiring same; and the Legislature may provide terms 42 and conditions for the Board to sell any unappropriated public waters of the state that might be stored in such facilities.
44 a prerequisite to the purchase of such storage or water, the 45 applicant therefor shall have secured a valid permit from the 46 Texas Water Commission or its successor authorizing the acquisi-47 tion of such storage facilities or the water impounded therein. 48 The money received from any sale, transfer or lease of storage facilities or associated system or works shall be used to pay 50 principal and interest on state bonds issued or contractual 51 obligations incurred by the Texas Water Development Board, provided that when moneys are sufficient to pay the full amount of indebtedness then outstanding and the full amount of interest to 54 accrue thereon, any further sums received from the sale, transfer

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or lease of such storage facilities or associated system or works may be used for the acquisition of additional storage facilities or associated system or works or for providing financial assistance as authorized by said Section 49-c. Money received from the sale of water, which shall include standby service, may be used for the operation and maintenance of acquired facilities, and for the payment of principal and interest on debt incurred.

"Should the Legislature enact enabling laws in anticipation of the adoption of this Amendment, such Acts shall not be void by reason of their anticipatory character." 10| Sec. 3. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on , at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to provide for use of not more than 10 percent of the money in the Water Development Fund for construction of waste treatment facilities; increasing the interest rate ceiling on Water Development Bonds to six percent; providing additional 20 funds; expanding the purpose of the fund; and changing the name of the fund to the Environmental Enhancement Fund.

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on. Ben Barnes		
President of the Senate		
Bir:	•	
We, your Committee on	Constitutional	AMENdments
to which was referred 5.1.	ρB. No. 17 , 1	have had the same
inder consideration, and I	am instructed to re	eport it back to
the Senate with the recomme	ndation that it do	
DASS AS AMENDED	and be	printed.
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	Chairman	

Austin, Texas

FERRUARY 4

Connally.

# Committee Amendment No. 1

Amend S.J.R. 17 by striking all below the resolving clause and substituting in lieu thereof the following:

Section 1. That Article III of the Constitution of the State of Texas be amended by adding thereto a new Section 49-d-1 to read as follows:

- " Section 49-d-1. (a) The Texas Water Development Board shall upon direction of the Texas Water Quality Board, or any successor agency designated by the Legislature, issue additional Texas Water Development Bonds up to an additional aggregate principal amount of \$100,000,000, to provide/grants, loans, or any combination of grants and loans for water quality enhancement purposes as established bythe Legislature. The Texas Water Quality Board or any successor agency designated by the Legislature may make grants and loans to political subdivisions or bodies politic and corporate of the State of Texas, including municipal corporations, river authorities, conservation and reclamation districts, and districts created or organized or authorized to be created or organized under Article XVI, Section 59, or Article III, Section 52, of this Constitution, state agencies, and interstate agencies and compact commissions to which the State of Texas is a party, and upon such terms and conditions as the Legislature may authorize by general law. The bonds shall be issued for such terms, in such denominations, form and installments, and upon such conditions as the Legislature may authorize.
- "(b) The proceeds from the sale of such bonds shall be deposited in the Texas Water Development Fund to be invested and administered as prescribed by law.
- " (c) The bonds authorized in this Section 49-d-1 and all bonds authorized by Sections 49-c and 49-d of Article III shall bear interest at not more than 6% per annum and mature as the Texas Water Development Board shall prescribe, subject to the limitations as may be imposed by the Legislature.

  ADOPTED

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- "(d) The Texas Water Development Fund shall be used for the pusposes heretofore permitted by, and subject to the limitations in Sections 49-c, 49-d and 49-d-1; provided, however, that the financial assistance may be made pursuant to the provisions of Sections 49-c, 49-d and 49-d-1 subject only to the availability of funds and without regard to the provisions in Section 49-c that such financial assistance shall terminate after December 31, 1982.
- " (e) Texas Water Development Bonds are secured by the general credit of the State and shall after approval by the Attorney General, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas.
- "(f) Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such Acts shall not be void by reason of their anticipatory character."

Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on Tuesday, May 18, 1971, at which election all ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to authorize the issuance of \$100,000,000 Bonds to provide financial assistance to cities and other public agencies for water quality enhancement purposes, providing for the improvement and continuance of the water resources program, and establishing an interest ceiling on Water Development Bonds at 6% per annum."

Committee Amendment No. 2

Amend S. J. R. No. \_\_\_\_\_ by striking all above the resolving clause and substituting in lieu thereof the following:

A JOINT RESOLUTION

proposing an amendment to Article III, Constitution of the State of Texas, by adding Section 49-d-1 to authorize the Texas Water Development Board to issue \$100,000,000 bonds to provide financial assistance in the form of loans or grants to cities or other public agencies for water quality enhancement purposes upon direction of the Texas Water Quality Board, or any successor agency designated by the Legislature; establishing an interest ceiling of 6% per annum on all bonds issued by the Texas Water Development Board; providing for the improvement and continuance of the water resources program; providing for anticipatory legislation; and providing for submission of the amendment to the voters.

**ADOPTED** 

FEB 4 1971

SECRETARY OF SENATE

By: Creighton

S. J. R. No. 17

### A JOINT RESOLUTION

proposing an amendment to Article III, Constitution of the State of Texas, by adding Section 49-d-1 to authorize the Texas Water Development Board to issue One Hundred Million Dollars (\$100,000,000) bonds to provide financial assistance in the form of loans or grants to cities or other public agencies for water quality enhancement purposes upon direction of the Texas Water Quality Board, or any successor agency designated by the Legislature; establishing an interest ceiling of 6% per annum on all bonds issued by the Texas Water Development Board; providing for the improvement and continuance of the water resources program; providing for anticipatory legislation; and providing for submission of the amendment to the voters.

# BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article III of the Constitution of the State of Texas be amended by adding thereto a new Section 49-d-1 to read as follows:

"Section 49-d-1. (a) The Texas Water Development Board shall upon direction of the Texas Water Quality Board, or any successor agency designated by the Legislature, issue additional Texas Water Development Bonds up to an additional aggregate principal amount of One Hundred Million Dollars (\$100,000,000) to provide grants, loans, or any combination of grants and loans for water quality enhancement purposes as established by the Legislature. The Texas Water Quality Board or any successor agency designated by the Legislature may make such grants and loans to political subdivisions or bodies politic and corporate of the State of Texas, including municipal corporations, river authorities, conservation

and reclamation districts, and districts created or organized or authorized to be created or organized under Article XVI, Section 59, or Article III, Section 52, of this Constitution, State agencies, and interstate agencies and compact commissions to which the State of Texas is a party, and upon such terms and conditions as the Legislature may authorize by general law. The bonds shall be issued for such terms, in such denominations, form and installments, and upon such conditions as the Legislature may authorize.

- "(b) The proceeds from the sale of such bonds shall be deposited in the Texas Water Development Fund to be invested and administered as prescribed by law.
- "(c) The bonds authorized in this Section 49-d-1 and all bonds authorized by Sections 49-c and 49-d of Article III shall bear interest at not more than 6% per annum and mature as the Texas Water Development Board shall prescribe, subject to the limitations as may be imposed by the Legislature.
- "(d) The Texas Water Development Fund shall be used for the purposes heretofore permitted by, and subject to the limitations in Sections 49-c, 49-d and 49-d-1; provided, however, that the financial assistance may be made pursuant to the provisions of Sections 49-c, 49-d and 49-d-1 subject only to the availability of funds and without regard to the provisions in Section 49-c that such financial assistance shall terminate after December 31, 1982.
- "(e) Texas Water Development Bonds are secured by the general credit of the State and shall after approval by the Attorney General, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas.

"(f) Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such Acts shall not be void by reason of their anticipatory character."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on Tuesday, May 18, 1971, at which election all ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to authorize the issuance of One Hundred Million Dollars (\$100,000,000) bonds to provide financial assistance to cities and other public agencies for water quality enhancement purposes, providing for the improvement and continuance of the water resources program, and establishing an interest ceiling on Water Development Bonds at 6% per annum."

### FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date February 4, 1971.

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.	
Sir:	I amendments, to whom was
We, your Committee on Community	(Imunalyum), to whom was
referred SJR No. 17	, have had the same under consideration
and beg to report back with recommendation that it	about pass, and be Not printed  Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is clanged to a period, and the remaining words also marked out.

When this form is used for a simple or assemble or assemble

When this form is used for a simple or concurrent resolution the comma after "pass" should be a changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

#### A JOINT RESOLUTION

proposing an amendment to Article III, Constitution of the State of Texas, by adding Section 49-d-1 to authorize the Texas Water Development Board to issue One Hundred Million Dollars (\$100,000,000) bonds to provide financial assistance in the form of loans or grants to cities or other public agencies for water quality enhancement purposes upon direction of the Texas Water Quality Board, or any successor agency designated by the Legislature; establishing an interest ceiling of 6% per annum on all bonds issued by the Texas Water Development Board; providing for the improvement and continuance of the water resources program; providing for anticipatory legislation; and providing for submission of the amendment to the voters.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article III of the Constitution of the

State of Texas be amended by adding thereto a new Section 49-d-1 to

read as follows:

"Section 49-d-1. (a) The Texas Water Development Board shall upon direction of the Texas Water Quality Board, or any successor agency designated by the Legislature, issue additional Texas Water Development Bonds up to an additional aggregate principal amount of One Hundred Million Dollars (\$100,000,000) to provide grants, loans, or any combination of grants and loans for water quality enhancement purposes as established by the Legislature. The Texas Water Quality Board or any successor agency designated by the Legislature may make such grants and loans to political subdivisions or bodies politic and corporate of the State of Texas, including municipal corporations, river authorities, conservation

and reclamation districts, and districts created or organized or authorized to be created or organized under Article XVI, Section 59, or Article III, Section 52, of this Constitution, State agencies, and interstate agencies and compact commissions to which the State of Texas is a party, and upon such terms and conditions as the Legislature may authorize by general law. The bonds shall be issued for such terms, in such denominations, form and installments, and upon such conditions as the Legislature may authorize.

- "(b) The proceeds from the sale of such bonds shall be deposited in the Texas Water Development Fund to be invested and administered as prescribed by law.
- "(c) The bonds authorized in this Section 49-d-1 and all bonds authorized by Sections 49-c and 49-d of Article III shall bear interest at not more than 6% per annum and mature as the Texas Water Development Board shall prescribe, subject to the limitations as may be imposed by the Legislature.
- "(d) The Texas Water Development Fund shall be used for the purposes heretofore permitted by, and subject to the limitations in Sections 49-c, 49-d and 49-d-1; provided, however, that the financial assistance may be made pursuant to the provisions of Sections 49-c, 49-d and 49-d-1 subject only to the availability of funds and without regard to the provisions in Section 49-c that such financial assistance shall terminate after December 31, 1982.
- "(e) Texas Water Development Bonds are secured by the general credit of the State and shall after approval by the Attorney General, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas.

- "(f) Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such Acts shall not be void by reason of their anticipatory character."
- Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on Tuesday, May 18, 1971, at which election all ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to authorize the issuance of One Hundred Million Dollars (\$100,000,000) bonds to provide financial assistance to cities and other public agencies for water quality enhancement purposes, providing for the improvement and continuance of the water resources program, and establishing an interest ceiling on Water Development Bonds at 6% per annum."

Lieutenant Governor

Speaker of the House

I hereby certify that S. J. R. No. 17 was adopted by the Senate on February 4, 1971, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

I hereby certify that S. J. R. No. 17 was adopted by the House on February 5, 1971, by the following vote: Yeas 112, Nays 8, and 1 present not voting.

Chief Clerk of the House

Approved:

Signed Governor

FILED IN THE OFFICE P THE SECRETARY OF STATE

FEB 5 1971

Secretary of State

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S.J.R. No.	Creighton	FEB 4 1971	- 1 1 P Sa	107	OTION TO RECONSIDER THE VOTE BY
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